

REMARKS

Favorable reconsideration and allowance are respectfully requested for Claims 1-16 in view of the foregoing amendment and the following remarks.

Responsive to the drawing objections, a Request for Approval of Drawing Changes is hereby submitted. The drawing corrections schematically represent a cross-member in Figure 2. No new matter has been entered. Support for the drawing corrections is found, *inter alia*, in Claims 4 and 5 and paragraphs [0042], [0048], and [0049]. Regarding the release levers, as indicated at page 16, paragraph [0058], the release lever at the fixing is shown in Figure 5. Accordingly, withdrawal of the objections is respectfully requested.

Responsive to the claim objections, by way of the foregoing amendment, the objections are obviated. Accordingly, withdrawal of the objections is respectfully requested.

Responsive to the rejections under 35 U.S.C. §112, first paragraph, these rejections are respectfully traversed. The release levers are shown as a fixing 11 in Figures 1, 2, and 5. As described in the specification at page 13, paragraph [0048] and page 14, paragraph [0049], the release levers are adequately described. Accordingly, withdrawal of the rejections is respectfully requested.

Responsive to the rejections under 35 U.S.C. §112, second paragraph, by way of the foregoing amendment, the rejections are obviated. Accordingly, withdrawal of the rejections is respectfully requested.

Claims 1-5, 7, 10, and 13-16 were rejected under 35 U.S.C. §102(b) as anticipated by Mueller. Claim 6 was rejected under 35 U.S.C. §103(a) as unpatentable over Mueller in view of Nawata et al. Claims 11 and 12 were rejected under 35 U.S.C. §103(a) as unpatentable over Mueller in view of Langeschei. These rejections are respectfully traversed.

An advantage of the claimed invention over the prior art is that the pedal pivot shaft is mounted in a guide and is able to move in this guide after the fixing has been neutralized. After a crash, the pedal is still connected with the bracket support. This is due to the pedal pivot shaft being allowed to move forward in the guide when the fixing is neutralized. Thus, the crash-induced relative movement of the pedal pivot shaft does not disable the pedal. In Mueller, there is not guide in which the bolts are mounted. The bolts extend through bores and are designed so that they break in the event of a crash. Thus, after the crash no connection exists between the pedals and the support structure.

Mueller does not disclose or suggest, among other features, the pedal pivot shaft, in normal operation, being fixed in a forward position of the guide via a fixing, viewed in a forward direction of travel, and the fixing being neutralized in the event of a head-on collision. The pedal pivot shaft in Mueller, as seen in Figure 1, has a very tight fit in the bores 11 and 12. The bores shown in Mueller appear to be a tolerance fit for the shaft and, therefore, a fixing is not contained in the bores. There is no forward position of the guide which is fixed by the fixing. There is no play in the bore for the pivot shaft and, thus, no guide. Therefore, it is respectfully submitted that the claimed invention is not

anticipated by Mueller, as noted above. Accordingly, withdrawal of the rejections is respectfully requested.

Since Claims 6, 11, and 12 depend from Claim 1, Claims 6, 11, and 12 are also patentably distinguishable over the cited references. Accordingly, withdrawal of the rejections is respectfully requested.

Regarding Claim 13, Mueller does not disclose or suggest, among other features, a guide extending approximately horizontally in the bracket support with limits in each horizontal directions, said shaft, in normal operation, being fixed in the guide by a fixing device, wherein in the event of a head-on collision, the fixing device releases the shaft in the guide and thereby the shaft is movable in the guide. As pointed out in the specification at page 3, paragraph [0011] and page 4, [0013], the pedals detach themselves completely from the pedal support shaft, in Mueller. As the bolts 4 and 5 break in Mueller upon vehicle collision, the shaft is not movable in the bores 11 and 12. No fixing device that releases the shaft in the bores is shown. Thus, it is respectfully submitted that the claimed invention is not anticipated by Mueller, as noted above. Accordingly, withdrawal of the rejection is respectfully requested.

Since Claims 14 and 15 depend from Claim 13, Claims 14 and 15 are also patentably distinguishable over the cited references. Accordingly, withdrawal of the rejections is respectfully requested.

In view of the foregoing amendments and remarks, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #225/49902).

Respectfully submitted,



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MARKED-UP VERSION OF AMENDMENTS

IN THE SPECIFICATION

Please amend the specification as follows:

Please delete paragraph [0035] and insert the following paragraph:

In this case, the fixing 11, according to a preferred embodiment of the invention, [which is, however, not shown in the figures,] can be neutralized by movement of the bracket support 5 relative to a part of the vehicle that retains its spatial position basically unchanged even in the event of a head-on collision. That is to say that the fixing is fixed to such a vehicle part basically retaining its position in the event of a head-on collision and is neutralized due to the fact that the bracket support 5 moves and the fixed part does not.

Please delete paragraph [0042] and insert the following paragraph:

The said vehicle part fixed to the body may be a cross member, for example, or also a dashboard cross member 20, as shown in Figure 2. Both vehicle parts are vehicle parts arranged behind the pedal 2, viewed in the forward direction of travel, these parts in the event of a head-on collision usually being basically fixed to the vehicle or at least only being adversely affected in the event of very serious accidents.

IN THE CLAIMS

Please amend Claims 1, 3, and 16 as follows:

1. (Amended) A safety device for the support of a pedal in a motor vehicle, with a bracket support arranged in a wall area of a splash wall or

bulkhead that is noticeably deformed into a passenger compartment in the event of a vehicle head-on collision; a pedal pivot shaft of at least one swivelling pedal acting on a push rod being mounted in the bracket support, wherein the pedal pivot shaft is mounted in the bracket support in a guide extending approximately horizontally, the guide having limits in each horizontal direction; and the pedal pivot shaft in normal operation being fixed in a forward position of the guide via a fixing, viewed in a forward direction of travel, and the fixing being neutralized in the event of a head-on collision.

3. The safety device according to Claim [1] 2, wherein the vehicle part retaining the spatial position unchanged in the event of the head-on collision is fixed to a body of the vehicle.

16. A method of making a safety device for the support of a pedal in a motor vehicle, comprising:

arranging a bracket support in a wall area of a splashwall or bulkhead that is deformed into a passenger compartment in the event of a vehicle head-on collision, and

mounting, in the bracket support, a pedal pivot shaft of at least [on] one swivelling pedal acting on a push rod,

wherein the pedal pivot shaft is mounted in the bracket support in a guide extending approximately horizontally, the guide having limits in each horizontal direction, and the pedal pivot shaft, in normal operation, is fixed in the guide at a forward position in a direction of travel, the fixing being neutralized in the event of the head-on collision.